

224



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/703,504      | 10/31/2000  | Arthur Zavalkovsky   | 50325-0128          | 2959             |

29989 7590 01/28/2004

HICKMAN PALERMO TRUONG & BECKER, LLP  
1600 WILLOW STREET  
SAN JOSE, CA 95125

|          |
|----------|
| EXAMINER |
|----------|

BAYARD, DJENANE M

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2141

10

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

**Office Action Summary**

Application No.

09/703,504

Applicant(s)

ZAVALKOVSKY ET AL.

Examiner

Djenane M Bayard

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,6,7,8,9.                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: Figure 1a and 1b has been disclosed in the drawing as prior art, however the brief description of the drawings on page 10 lines 5-6 does not indicate them as prior art. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 10, 13, are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No 6,651,191 to Vacante et al.

- a. As per claims 1, 10, 13, Vacante et al teaches a method of enforcing network quality of service policy information at one or more policy enforcement points, the method comprising the computer-implemented steps of: receiving active QoS configuration information at a policy enforcement point (See col. 6, lines 44-48); receiving new configuration information and storing

the new configuration information as an inactive configuration of the policy enforcement point (See col. 6, lines 52-59); determining whether the inactive configuration information is properly functional in combination with the active QoS configuration information (See col. 6, lines 58-60); making the new configuration information active in place of the active QoS configuration information only in response to receiving an activation message (See col. 6, lines 64-67).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,651,191 to Vacante et al in view of U.S. Patent No. 6,401,240 to Summers.

a. As per claims 2 and 14, Vacante et al teaches the claimed invention as described above. Furthermore, Vacante et al teaches the creating and storing the active QoS configuration information and the inactive configuration in memory a network device that serves as the policy enforcement point. However, Vacante et al fails to teach storing in logically separate areas of memory (See col. 4, lines 27-31).

Summers teaches a system and method for profiling code on symmetric multiprocessor architectures. Furthermore, Summers teaches storing in logically separate areas of memory (See col. 8, lines 30-32).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate storing in logically separate areas of memory as taught by Summers in the claimed invention of Vacante et al in order to have a plurality of addressable locations (See col. 8, lines 32-36).

6. Claims 3-5, 7-8, 15-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,651,191 to Vacante et al in view of U.S. Patent No. 6,611,864 to Putzolu et al.

a. As per claims 3 and 15, Vacante et al teaches the claimed invention as described above. However, Vacante et al fails to teach wherein the step of receiving new configuration information further comprises the steps of receiving a decision message from the policy decision point and determining whether the decision message identifies an inactive configuration.

Putzolu et al teaches extensible policy-based network management architecture. Furthermore, Putzolu et al teaches wherein the step of receiving new configuration information further comprises the steps of receiving a decision message from the policy decision point and determining whether the decision message identifies an inactive configuration (See col. 5, lines 5-10)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the step of receiving new configuration information further comprises the steps of receiving a decision message from the policy decision point and determining whether the decision message identifies an inactive configuration as taught by

Art Unit: 2141

Putzolu et al in the claimed invention of Vacante et al in order to allow PEPs to be more flexible both in actions and conditions they support and the classes of problems that can be addressed (See col. 5, lines 24-27).

b. As per claims 4 and 16, Vacante et al teaches the claimed invention as described above. However, Vacante et al fails to teach wherein receiving a COPS decision message from the policy decision point that identifies the configuration information as an inactive configuration by a specified message type value in a Context object that forms part of the decision message.

Putzolu et al teaches receiving a COPS decision message from the policy decision point (See col. 3, lines 12-15) that identifies the configuration information as an inactive configuration by a specified message type value in a Context object that forms part of the decision message (See col. 4, lines 17-22).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate receiving a COPS decision message from the policy decision point that identifies the configuration information as an inactive configuration by a specified message type value in a Context object that forms part of the decision message as taught by Putzolu et al in the claimed invention of Vacante et al in order to evaluate whether an action should be taken or not (See col. 5, line 4).

c. As per claims 5 and 17, Vacante et al teaches the claimed invention as described above. However, Vacante et al fails to teach wherein receiving a decision message from the policy

decision point that identifies the configuration information as an inactive configuration by a specified flag bit in a message type value in a Context object that forms part of the decision message.

Putzolu et al teaches receiving a decision message from the policy decision point that identifies the configuration information as an inactive configuration by a specified flag bit in a message type value in a Context object that forms part of the decision message (See col. 4, lines 17-22).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate receiving a decision message from the policy decision point that identifies the configuration information as an inactive configuration by a specified flag bit in a message type value in a Context object that forms part of the decision message as taught by Putzolu et al in the claimed invention of Vacante et al in order to evaluate whether an action should be taken or not (See col. 5, line 4).

d. As per claims 6 and 18, Vacante et al teaches the claimed invention as described above. Furthermore, Vacante et al teaches wherein determining whether the inactive configuration information is properly functional comprises the steps of combining the inactive configuration information with the active QoS configuration to result in creating a combined configuration and carrying out one or more consistency checks using the combined configuration without actually deploying the combined configuration to the policy enforcement point (See col. 52-67).

e. As per claims 7 and 19, Vacante et al teaches the claimed invention as described above. Furthermore, Vacante et al teaches updating the active QoS configuration information using the inactive configuration and thereby deploying the inactive configuration as a new active configuration; copying the active configuration to the inactive configuration and making the new configuration information active in place of the active QoS configuration information. However, Vacante et al fails to teach receiving an activation message comprises the steps of: receiving an empty install decision message from the policy decision point.

Putzolu et al teaches receiving an activation message comprises the steps of: receiving an empty install decision message from the policy decision point (See col. 1, lines 62-64).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate receiving an activation message comprises the steps of: receiving an empty install decision message from the policy decision point as taught by Putzolu et al in the claimed invention of Vacante et al order to define an extension for the COPS protocol for each new type of managed network resource (See col. 1, lines 60-61).

f. As per claims 8 and 20, Vacante et al teaches the claimed invention as described above. Furthermore, Vacante et al teaches making the new configuration information active in place of the active QoS configuration information, deleting the inactive configuration; copying the active configuration to the inactive configuration (See col. 6, lines 55-67). However, Vacante et al fails to teach only in response to receiving activation message comprises the steps of receiving an install named object decision message from the policy decision point; installing the object named in the decision message as the active QoS configuration information



Putzolu et al teaches receiving an install named object decision message from the policy decision point; installing the object named in the decision message as the active QoS configuration information (See col. 4, lines 17-22).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate receiving an install named object decision message from the policy decision point; installing the object named in the decision message as the active QoS configuration information as taught by Putzolu et al in the claimed invention of Vacante et al in order to evaluate whether an action should be taken or not (See col. 5, line 4).

7. Claims 9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,611,864 to Putzolu in view of U.S. Patent No. 6,651,191 to Vacante et al.

a. As per claim 9, Putzolu et al teaches a method of enforcing network quality of service policy information from a policy server acting as a policy decision point at one or more routers that are acting as policy enforcement points (See col. 3, lines 38-47), the method comprising the computer-implemented steps of receiving active QoS configuration information; receiving a COPS protocol decision message from the policy decision point (See col. 3, lines 12-14) that identifies new configuration information as an inactive configuration by a specified flag bit in a message type value in a Context object that forms part of the decision message (See col. 4, lines 18-22); However, Putzolu et al fails to teach storing the new configuration information as an inactive configuration of the policy enforcement point; determining whether the inactive configuration information is properly functional in combination with the active QoS

configuration information; making the new configuration information active in place of the active QoS configuration information only in response to receiving an activation

Vacante et al teaches storing the new configuration information as an inactive configuration of the policy enforcement point; determining whether the inactive configuration information is properly functional in combination with the active QoS configuration information; making the new configuration information active in place of the active QoS configuration information only in response to receiving an activation (See col. 6, lines 55-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made incorporate storing the new configuration information as an inactive configuration of the policy enforcement point; determining whether the inactive configuration information is properly functional in combination with the active QoS configuration information; making the new configuration information active in place of the active QoS configuration information only in response to receiving an activation as taught by Vacante et al in the claimed invention of Putzolu et al in order to detect in advance of policy deployment whether a policy can be implemented by a specific target (See col. 2, lines 38-40).

b. As per claim 11, Putzolu et al teaches enforcing network quality of service policy information at one of a plurality of policy enforcement points, comprising: one or more network interfaces one or more processors coupled to the one or more network interfaces for receiving network information therefrom and enforcing one or more network quality of service policies thereon; one or more stored sequences of instructions accessible to the one or more processors and which, when executed by the one or more processors (See col. 6, lines 51-62). However,

Putzolu et al fails to teach creating and storing active QoS configuration information at one of the plurality of policy enforcement points; receiving new configuration information and storing the new configuration information as an inactive configuration of the policy enforcement point; determining whether the inactive configuration information is properly functional in combination with the, active QoS configuration information; making the new configuration information active in place of the active QoS configuration information only in response to receiving an activation message.

Vacante et al teaches creating and storing active QoS configuration information at one of the plurality of policy enforcement points (See col. 6, lines 44-48); receiving new configuration information and storing the new configuration information as an inactive configuration of the policy enforcement point (See col. 6, lines 52-59); determining whether the inactive configuration information is properly functional in combination with the, active QoS configuration information (See col. 6, lines 58-60); making the new configuration information active in place of the active QoS configuration information only in response to receiving an activation message (See col. 6, lines 64-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to creating and storing active QoS configuration information at one of the plurality of policy enforcement points; receiving new configuration information and storing the new configuration information as an inactive configuration of the policy enforcement point; determining whether the inactive configuration information is properly functional in combination with the, active QoS configuration information; making the new configuration information active in place of the active QoS configuration information only in response to receiving an activation

Art Unit: 2141

message as taught by Vacante et al in the claimed invention of Putzolu et al in order to detect in advance of policy deployment whether a policy can be implemented by a specific target (See col. 2, lines 38-40).

c. As per claim 12, Putzolu et al teaches a router acting as a policy enforcement point for enforcing one or more network quality of service policies received from a policy server acting as a policy decision point for a network that includes the router and one or more other policy enforcement points (See col. 3, lines 40-41), the router comprising: one or more network interfaces; one or more processors coupled to the one or more network interfaces for receiving network information therefrom and enforcing one or more network quality of service policies thereon; one or more stored sequences of instructions accessible to the one or more processors and which, when executed by the one or more processors, cause the one or more processors to carry out the steps of receiving, active QoS configuration information (See col. 6, lines 51-62); receiving a COPS protocol decision message from the policy decision point (See col. 3, lines 12-14) that identifies new configuration information as an inactive configuration by a specified flag bit in a message type value in a Context object that forms part of the decision message ( See col. 4, lines 18-22). However, Putzolu et al fails to teach storing the new configuration information as an inactive configuration of the policy enforcement point; determining whether the inactive configuration information is properly functional in combination with the active QoS configuration information; making the new configuration information active in place of the active QoS configuration information only in response to receiving an activation message.

Vacante et al teaches storing the new configuration information as an inactive configuration of the policy enforcement point (See col. 6, lines 52-59); determining whether the inactive configuration information is properly functional in combination with the active QoS configuration information (See col. 6, lines 58-60); making the new configuration information active in place of the active QoS configuration information only in response to receiving an activation message (See col. 6, lines 64-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate storing the new configuration information as an inactive configuration of the policy enforcement point; determining whether the inactive configuration information is properly functional in combination with the active QoS configuration information; making the new configuration information active in place of the active QoS configuration information only in response to receiving an activation message as taught by Vacante et al in the claimed invention of putzolu et al in order to detect in advance of policy deployment whether a policy can be implemented by a specific target (See col. 2, lines 38-40).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,622,170 to Harrison et al teaches a system and method for DEN/LDAP client database access with a backoff capability.

U.S. Patent No. 6,601,082 to Durham et al teaches a system and method for managing actions provided by a network using a policy tree.

U.S. Patent No. 6,301,613 to Ahlstrom et al teaches verifying that a network management policy used by a computer system can be satisfied and is feasible for use.

U.S. Patent No. 6,617,445 to Gai et al teaches a method and apparatus for defining implementing high-level quality of service policies in computer networks.


U.S. Patent No. 6,621,793 to Widegren et al teaches and application influenced policy.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M Bayard whose telephone number is (703) 305-6606. The examiner can normally be reached on 7:00 AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Djenane Bayard  
Patent Examiner  
January 13, 2004

  
**RUPAL DHARIA**  
**SUPERVISORY PATENT EXAMINER**